DATE: FEBRUARY 23, 2016
TIME: 9:30 A.M.

Thomas W. Bauer, Esq.
Attorney for Debtor
42 Catharine Street
The Carriage House
Poughkeepsie, NY 12601
(845) 452-5076
Thomas W. Bauer, Esq. (TB8601)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
---x
In re

Nicholas J. Falciano, **Chapter 7**

Debtor(s). **Case No. 14-35337** (CGM)
---x

NOTICE OF MOTION TO REOPEN CASE PURSUANT TO 11 U.S.C. §350(b) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 5010

S I R S :

PLEASE TAKE NOTICE, that upon the annexed motion of Nicholas J. Falciano, (the "debtor"), dated February 1, 2016, the undersigned will move this Court, at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York 12601, on the 23th day of February, 2016 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order:

(a) pursuant to 11 U.S.C. § 350(b) and Fed. R. Bankr. P. 5010 to reopen the debtors' bankruptcy case in order to hold the creditor Northeast Alliance Federal Credit Union in violation of 11 U.S.C. §524 and awarding attorney's fees, sanctions, costs, and disbursements to the debtor;

(b) for such other and further relief as to the Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be served upon and received by counsel for the debtor at the address indicated below and filed with the Court together with proof of such service, no later than seven (7) days prior to the return date hereof.

Dated: Poughkeepsie, New York
February 1, 2016

/s/ Thomas W. Bauer

Thomas W. Bauer, Esq.
Attorney for Debtor
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The Carriage House
Poughkeepsie, NY 12601
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
---x
In re

Nicholas J. Falciano, **Chapter 7**

Debtor(s). **Case No. 14-35337** (CGM)
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AFFIRMATION IN SUPPORT OF MOTION TO REOPEN CASE PURSUANT TO 11 U.S.C. §350(b) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 5010

Thomas W. Bauer, Esq. an attorney duly admitted to practice before this Court, upon information and belief, affirms as follows:

1. This Court has subject matter jurisdiction in this matter pursuant to 28 U.S.C. § 1334(b) and the Amended Standing Order of Reference signed by Chief Judge Loretta A. Preska dated January 31, 2012. This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2).

2. The debtor filed with this Court on February 26, 2014, a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

3. Northeast Alliance Federal Credit Union was listed as an unsecured creditor on Schedule "F" of the debtor's petition. See debtor's petition filed with this Court.

4. On February 1, 2016, the debtor's attorney received a phone call from the debtor regarding a letter received from the Dutchess County Sheriff seeking wage garnishment for a judgment, by creditor Northeast Alliance Federal Credit Union, entered post-petition on January 6, 2016 for a debt listed on the debtor's bankruptcy petition. See Exhibit "A" and debtor's petition filed with this Court.

5. The debtor's discharge was entered on May 23, 2014.

6. Upon information and belief, Northeast Alliance Federal Credit Union has, and continues to knowingly and intentionally violate 11 U.S.C. §524.

7. The debtor has acted in good faith and there is no prejudice to creditors by the reopening of the case.

WHEREFORE, the undersigned respectfully requests that the Court enter an Order pursuant to 11 U.S.C. §350(b) and Fed. R. Bankr. P. 5010 to reopen the debtor's bankruptcy case and finding the creditor Northeast Alliance Federal Credit Union in violation of the discharge injunction pursuant to 11 U.S.C. §524, and to direct Northeast Alliance Federal Credit Union to immediately cease all collection efforts against the debtor, void the judgment entered post-petition, fix the debtor's credit regarding same, and award the debtor all of his costs, expenses, attorney's fees, and punitive damages, and that the debtor be granted such other and further relief as to the Court may seem just and proper.

Dated: February 1, 2016
Poughkeepsie, New York

_/s/ Thomas W. Bauer

Thomas W. Bauer, Esq.
Attorney for Debtor
42 Catharine Street
The Carriage House
Poughkeepsie, NY 12601
(845) 452-5076

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
--x
In re

Nicholas J. Falciano, **Chapter 7**

Debtor(s). **Case No. 14-35337** (CGM)
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ORDER TO REOPEN CASE

Upon the Notice of Motion and Motion of Nicholas J. Falciano, the debtor, by his attorney Thomas W. Bauer, for an order pursuant to 11 U.S.C. §350(b) and Fed. R. Bankr. P. 5010 to reopen the debtor's bankruptcy case to permit the debtor to file a motion under U.S.C. §524 finding that Northeast Alliance Federal Credit Union violated the discharge injunction; and there having been no opposition thereto, and after hearing held on February 23, 2016, it is hereby:

ORDERED, that

1. The Motion is granted;
2. The case of the above-captioned debtor be and the same hereby is reopened with no appointment of a Chapter 7 Trustee.

Dated: Poughkeepsie, New York
February , 2016

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CHIEF U.S. BANKRUPTCY COURT JUDGE